

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

Claim 1-18 remain pending in this application. By this amendment, Claims 1-18 have been amended. As these amendments are directed to formal matters, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, the specification was objected to; Claims 1, 16 and 18 were objected to; Claims 11-15 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 1-10 and 18 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement; Claims 1-5, 7, 8, 11 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sudo et al. (U.S. Patent No. 6,714,511 B1, hereinafter “Sudo”) in view of Heath et al. (U.S. Patent No. 6,850,498 B2, hereinafter “Heath”); and Claims 6, 9, 10 and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sudo in view of Heath and further in view of Lee (U.S. Patent No. 6,373,861 B1).

Responsive to the objection to the abstract as not commencing on a separate sheet, an abstract is hereby provided on a separate sheet of paper. Accordingly, it is respectfully requested that this objection be reconsidered and withdrawn.

Responsive to the objection to the specification for not including section headings, section headings in all capital letters has been provided. Accordingly, it is respectfully requested that this objection be reconsidered and withdrawn.

Responsive to the objection to Claims 1, 16 and 18 as lacking a clear preamble, transition, and body, each of Claims 1-18 has been amended so as to be placed in a preferred format for U.S. practice. Accordingly, it is respectfully requested that this objection be reconsidered and withdrawn.

The rejection of Claims 11-15 under 35 U.S.C. § 101 as directed to non-statutory subject matter is respectfully traversed. Claim 11 recites, in part, "... where symbols are transmitted by means of Orthogonal Frequency Divisional Multiplexing... between a **transmitting unit** and a **receiving unit**... [Emphasis added]." Claim 11 further recites, in part, "...transmission of symbols from **said transmitter** [emphasis added]." Thus, it is respectfully submitted that Claim 11 is tied to another statutory class and is in compliance with M.P.E.P. § 2106. Accordingly, it is respectfully requested that this rejection be reconsidered and withdrawn.

The rejection of Claims 1-10 and 18 under 35 U.S.C. § 112, first paragraph, as failing to comply the enablement requirement, is respectfully traversed. The word "means" has been deleted from these claims. Furthermore, Claims 1 and 18 are directed in scope to the entire subject matter recited therein including the preambles. Support for these claims is found in the entire specification, including the drawings and originally filed claims. Accordingly, it is respectfully requested that this rejection be reconsidered and withdrawn.

With respect to independent Claims 1, 11, 16 and 18, the Office Action correctly recognizes that "Sudo does not disclose *controlling the length of the guard interval (GI) with regard to the size of the cell in which transmitting unit is located.*"

The Office Action further asserts that "Heath teaches defining a transmission mode by the settings of various transmission parameters."

Heath states:

A transmission mode is defined by the settings of various transmission parameters. Example transmission parameters which help to define a transmission mode include, but are not limited to;... cell plan¹

¹ Column 7, lines 1-8.

The Office Action asserts “Heath teaches factoring the size of the cell in order to calculate the proper transmission parameters, such as, a cell size, but does not teach doing so in a dynamic manner.”

The Office Action however fails to assert that Heath describes controlling the length of the guard interval with regard to the size of the cell in which the transmitting unit is located as recited in Claims 1, 16 and 18. The Office Action further fails to assert that Heath describes estimating channel characteristics also including producing/finding the size of the cell, estimating least possible guard interval length which give rise to a intersymbol interference within acceptable limit, producing the/finding guard interval parameter based on the guard interval length and incorporating and using the guard interval parameter at transmission of symbols from the transmitter as recited in Claim 11.

Rather, the Office Action appears to confuse the above-described features of Claims 1, 11, 16 and 18 with the description in Heath of defining a transmission mode including a definition based on cell plan. That is, neither Heath nor Sudo describe or render obvious the above-described features of Claims 1, 11, 16 and 18 and, the Office Action fails to assert otherwise.

Lee fails to correct the deficiencies of Sudo and Heath described above because Lee is silent regarding the features of Claims 1, 11, 16 and 18 described above.

It is respectfully submitted that Claims 2-10, 12-15 and 17 are patentable at least for the reasons argued above with regard to the claims from which they depend.

Accordingly, it is respectfully requested that the rejections of Claims 1-18 be reconsidered and withdrawn, and that Claims 1-18 be found allowable.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Michael L. Gellner", is written over a horizontal line.

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